

July 14, 2009

**Public Hearing:** Specific Use Permit SUP09-0002

**Owner(s):** Allegiance Frisco, LP

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**DESCRIPTION:**

Request for a Specific Use Permit for a Big Box on one lot on 22.5± acres on the west side of Preston Road 600± feet north of Hickory Street. Zoned Planned Development-51-Retail. Neighborhood #20. SI

**HISTORY:**

**Ordinance Number 83-07-02.** The ordinance was adopted on July 5, 1983 rezoning the property to Planned Development-Shopping Center. In 1984 a new Zoning Ordinance was adopted that changed the 'Shopping Center' designation to Retail.

**December 22, 1993.** The plat for the first phase of Hickory Street Village is filed with the County Clerk's office.

**February 10, 2009.** The preliminary site plan for Hickory Center was approved showing a Big Box retail building. The approval of the preliminary site plan was conditioned on City Council approval of a Specific Use Permit for a Big Box.

**REMARKS:**

Walmart is requesting a Specific Use Permit for a Big Box retail store. A Big Box use is defined as a single tenant retail building over 70,000 square feet. The proposed size is 184,985 square feet. The proposed store will have an attached garden center but will not have an automotive service facility or a vehicle fueling station.

Zoning and land use of the surrounding properties are as follows:

Direction	Land Use	Zoning	Comprehensive Plan
North	Vacant	PD-51-Retail	Retail

<b>East</b>	Burger King and Vacant Lots	Retail	Retail
<b>South</b>	Vacant	PD-51-Retail/Multifamily-2	Retail
<b>West</b>	Townhomes	PD-57-Multifamily-1	Residential

The project is located within the boundaries of the Main Street Subsection of the Preston Road Overlay District and complies with the requirements of the Overlay District.

The Zoning Ordinance lists four criteria to consider in determining the appropriateness of the SUP request. The following is the four criteria and staff's comments on each of the criteria.

1. Is the property harmonious and compatible with its surrounding existing uses or proposed uses?

The site was rezoned to retail in 1983 with the adjacent residential development being approved 10 years later in 1993. The site's size and shape will accommodate a typical retail development that includes larger tenants and pad sites. Furthermore the site fronts onto Preston Road, a regional major corridor that provides the necessary access for retail development.

It is common throughout the City for retail development to occur adjacent to residential neighborhoods and for the retail development to serve the neighborhoods. The impact of the retail development on the neighborhoods is mitigated through the use of screening walls and vegetation.

The retail and commercial properties to the north and south are vacant. To the east is a Burger King along with a number of vacant lots that front onto Preston Road. The properties to the north and south have approved preliminary site plans for a retail strip center and several pad sites. There is no approved preliminary site plan for the property to the east across Preston Road.

To the west there is a townhome complex, Hickory Street Village. The complex backs to the proposed Walmart property. The townhomes are separated from the Walmart site by a hedge made up of Red Tip Photinias located on the retail site. Walmart is proposing to retain and maintain the photinias in place and to plant

additional plant materials to create a living screen. There is no cross access from the townhome complex to the retail property as the townhomes developed prior to the cross access requirement.

The City's Zoning Ordinance limits the height of light poles to 30 feet and to 20 feet for poles located within 100 feet of residential zoned property. The Ordinance also requires shields to minimize light pollution on adjacent property.

The proposed project is compatible with the surrounding existing and proposed uses.

2. Are the activities requested by the applicant normally associated with the requested use?

Big Box buildings are permitted by right in Retail zoning districts if they have frontage on regional thoroughfares, Dallas North Tollway, S.H. 121, F.M. 423, U.S. 380 or the Frisco Bridges development. This Big Box is a regional retail business and is located along a regional thoroughfare, Preston Road, which is capable of supporting the proposed project.

The request for a Big Box at this location is similar to the request by Kroger on the northwest corner of Custer Road and Eldorado Parkway. The Kroger store was approved by SUP and is 123,429 square feet in size. There is additional inline retail space to bring the total square footage to 175,167 square feet.

The Kroger center will consist of three buildings with multiple tenants rather than the single building with one tenant as is proposed. A single tenant allows for greater control of the time and manner of the delivery of products. The Kroger center does back up to a single family neighborhood, Frisco Heights.

The delivery route for trucks will be limited to the use of Preston Road as the main route. The section of Hickory Street that abuts this property will be used for a short distance to route trucks to and from the Walmart site. Hickory Street is posted for no thru truck traffic but may be used for local deliveries. Hickory Street cannot be used as a main route to reach the Walmart site. Trucks leaving the Walmart site will be limited to the use of Preston Road as a main route.

The activities requested by the applicant are normally associated with a Big Box retailer.

3. Is the nature of the use reasonable?

The Comprehensive Plan calls for Regional Retail to be located along major roadways and easily accessible to pedestrians, bicyclists, and automobiles. This is

found in Land Use Policy Number 1. The proposed site meets these criteria as it is located along Preston Road, a regional thoroughfare, with pedestrian and vehicular access to the residential neighborhoods to the west.

The proposed Big Box retail building is located along a regional thoroughfare, Preston Road, which can support large-scale development. The Design & Development Standards for Retail in the Comprehensive Zoning Ordinance only requires a Specific Use Permit (SUP) for Big Box retail in Retail zoning districts that do not have frontage on the Dallas North Tollway, S.H. 121, F.M. 423, U.S. 380, or the Frisco Bridges development. The SUP is required for this use in Retail zoning as Retail zoning typically abuts residential development.

The overall site is 36.1 net acres and Walmart will occupy 22.5 net acres. The maximum Floor to Area Ratio (FAR) of 0.4 for Retail zoning would allow a maximum of 390,000 square feet of building area. The applicant is seeking to build 184,985 square feet.

Typical retail development has a FAR of 0.25 rather than 0.4. The Kroger center mentioned above was developed at a FAR of 0.25. Under a FAR of 0.25 the site would have 245,025 square feet of building area. This amount is 60,000 square feet larger than proposed by the applicant. The Walmart development's FAR is 0.19.

The use of the property for Big Box retail is appropriate because it is located along a major regional thoroughfare and the site can accommodate the proposed use.

4. Has any impact on the surrounding area been mitigated?

The applicant is retaining a dense living screen of red tip photinias and supplementing it with additional plantings to create a full living screen at the request of the homeowners that back to this site. The type of additional plantings will be determined during the site plan approval process. No screening wall would be constructed at the property line.

A detention area is proposed on the south side of the building, adjacent to Hickory Street. Walmart has worked with staff to enhance the proposed detention area. This dry pond will be sloped with trees and other plantings to landscape the area rather than create a simple detention pond. This will serve to provide an amenity as well as a buffering between the building and Hickory Street. The attached exhibit will be part of the SUP ordinance and used to review the final design of the detention area with the site plan.

The applicant's first submittal showed 857 parking spaces, 117 more spaces than the 740 required. Walmart has worked with staff to reduce that number to 797 spaces and to use green alternative to concrete pavement for the 57 spaces above the minimum required.

Staff had several concerns with traffic which are listed below with how they have been addressed.

Central Fire Station egress using Gary Burns Drive.

Staff's concern was that the traffic increase from this development would interfere with the Fire Department use of Gary Burns Drive in its current condition. Walmart has agreed to build Gary Burns Drive from Tomlin Drive to Preston Road to its ultimate build out of three lanes with curb and gutter. The construction of this road will occur concurrently with the construction of Walmart. The Traffic Impact Analysis (TIA) also required the construction of Gary Burns Drive for traffic circulation.

Traffic circulation at the Hickory Street and Preston Road intersection.

The TIA also calls for the intersection of Preston Road and Hickory Street to be signalized with this project. Walmart will be coordinating with the City to signalize this intersection. Signalization will improve the turning ability and safety for all vehicles turning onto Preston Road to safely maneuver through the intersection.

Traffic on Hickory Street

Hickory Street will see an increase in traffic as a result of the opening of a Walmart store or any development on this property. Hickory Street was constructed as a residential collector and designed to carry between 6,000-12,000 cars per day. Recent traffic counts indicate that Hickory Street handles approximately 2,800 cars per day. The TIA indicates that this number will grow to 5,550 cars by 2010 and 8,770 cars by 2015 when the remainder of the overall retail center is developed. The number of cars traveling on Hickory Street west of the Walmart site will be 4,620 cars by 2010 and 7,000 cars by 2015.

Truck Traffic on Hickory Street

Hickory Street is currently posted to prevent thru truck traffic and it will remain posted with the construction of the Walmart store. It is important to note that it is posted to prevent thru traffic but still allows for local truck traffic. This still allows moving trucks or delivery trucks to use Hickory Street but not to use it to move through the area as an alternative route. Hickory Street may still be used by trucks to access the Walmart store but not beyond the store's western property line.

Traffic Circulation from Preston Road

Street improvements will also be made on Preston Road. There are two driveways that serve Burger King. Neither driveway has a deceleration lane to move traffic off of Preston Road. One of the driveways will be closed and a deceleration lane constructed to improve traffic movement. These improvements were agreed upon by Walmart and Burger King and reflected on the zoning exhibit.

The development will be meeting all of the City's requirements regarding access and screening and will not have any additional impact on the surrounding area.

**SUMMARY:**

In staff's opinion, the request meets all four criteria for approval of a Specific Use Permit. Staff recommends approval of the request.

**RECOMMENDATION:**

Recommended for approval subject to the following:

1. The relocation of the driveway from Burger King due to the construction of the deceleration lane on Preston Road.
2. The widening and reconstruction of Gary Burns Drive between Tomlin Drive and Preston Road as specified in the TIA study.
3. Signalization of the intersection of Preston Road and Hickory Street prior to issuance of the Certificate of Occupancy.
4. The detention area will be designed as an amenity for this development as depicted on Exhibit C. Exhibit C will be used as a reference for reviewing and approving the final design for this detention area. In conjunction with the final site plan, staff will forward its recommendation to the Planning & Zoning Commission regarding detention area compliance with Exhibit C.
5. The façade plans shall be attached to the Specific Use Permit Ordinance.
6. The use of a living screen along the western property line between the Walmart and Hickory Street Village.
7. Parking spaces in excess of the minimum 1:250 ratio will be designed and constructed using green engineering principles.